

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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NEXT MILLENNIUM REALTY, LLC, *et al.*,

Plaintiffs,

**ORDER**  
CV 03-5985 (ARL)

-against-

ADCHEM CORP., *et al.*,

Defendants.

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**LINDSAY, Magistrate Judge:**

Before the court is defendants' letter motion dated May 14, 2013 seeking an order to preclude plaintiffs from submitting expert reports after May 17, 2013. Plaintiffs oppose the application by letter response dated May 22, 2013. In addition plaintiffs request that a conference be scheduled to discuss open discovery disputes.

Defendants' position that the time for submitting expert reports expired on May 17, 2013 is unavailing. Following the parties consent to jurisdiction by the undersigned in accordance with 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73, the parties submitted a proposed scheduling order. By Order dated August 7, 2012, the court issued the following Scheduling Order:

The scheduling order is amended as follows: All discovery, inclusive of expert discovery, to be concluded by February 22, 2013. Any party planning on making a dispositive motion must take the first step in the motion process by March 8, 2013. A final conference is scheduled before the undersigned on March 25, 2013 at 11:30 a.m. The parties are to electronically file a joint proposed pretrial order in compliance with the undersigned's individual rules, signed by counsel for each party, prior to the conference. The parties may proceed by agreement and do not need the court's permission to extend the interim dates set forth in their July 27, 2012 proposed amended scheduling and discovery order, provided that the deadlines contained in this order are adhered to.

Thereafter, the parties sought and the undersigned granted by Order dated January 10, 2013, an extension of the discovery deadline as follows:

The parties' joint application for an extension of the discovery deadlines is granted as follows: All discovery, inclusive of expert discovery, to be completed by June 24, 2013. Any party planning on making a dispositive motion must take the first step in the motion process by July 8, 2013. A final conference is scheduled before the undersigned on March 25, 2013 is adjourned to July 24, 2013 at 11:30 a.m. The parties are to electronically file a joint proposed pretrial order in compliance with the undersigned's individual rules, signed by counsel for each party, prior to the conference.

Inasmuch as the discovery deadline for both fact and expert discovery is June 24, 2013, the deadline for expert discovery has not passed. With respect to the parties' agreed interim discovery deadlines, the undersigned does not micromanage discovery and only establishes a discovery end date from which all discovery is to be completed. Accordingly, defendants' motion to preclude plaintiffs from submitting expert reports after May 17, 2013 is denied.

To the extent plaintiffs seek a conference to address open discovery issues, plaintiffs should submit a further letter application detailing the specific discovery issues to be addressed which the parties could not resolve after conferring.

Dated: Central Islip, New York  
May 28, 2013

**SO ORDERED:**

\_\_\_\_\_/s/\_\_\_\_\_  
ARLENE R. LINDSAY  
United States Magistrate Judge